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Notice of Allowability	Application No.	Applicant(s)	
	10/766,633	WORRALL ET AL.	
	Examiner	Art Unit	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 4/3/2007.
2. ☒ The allowed claim(s) is/are 2,4-7,9,15 and 24-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

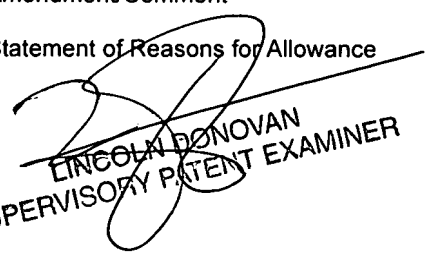
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


 LINCOLN DONOVAN
 SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Claims

The cancellation of claims 3, 10-14, and 16-23 has been accepted.

Specification

The amendments to the specification on pages 4 and 11 have been accepted.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jean Ellis on 4/23/2007.

The application has been amended as follows:

In claim 9, the end of line 1, to the beginning of line 2, "the input device" should be changed to - - the input means - - .

Also in claim 9, line 4, "a computer program where digital musical data are entered...", should be changed to - - a computer program, stored on a computer readable medium, where digital musical data are entered... - - .

Claim 15, the end of line 1 to the beginning of line 2, "the output device" should be changed to - - the output means - - .

Claim 33, line 4, "a computer program where digital musical data are entered...", should be changed to - - a computer program, stored on a computer readable medium, where digital musical data are entered... - - .

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:
3. The prior art relied upon in the previous office action rejection by Rogers (6,080,925), Hesnan (5,639,977), Sitrick et al. (US 2003/0110925), Michero (6,331,668), Fukada (6,107,557) and Tice et al. (6,751,439) no longer teach all the claimed elements of the independent claims 24, 36, and 39, or their dependent claims, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.
4. The allowable subject matter within the independent claims is mainly the inputting of a musical composition and the automatic processing and identifying of ***all*** strokes in the inputted composition and the locations on an instrument where sequential strokes can be played at the same positional location, i.e. stroke groups. The system further evaluates the identified stroke groups and selects a group to be used to determine the hand and fingering information for each stroke, based on the shortest

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path of hand and fingering movement needed to play the sequential strokes. The above prior art, and those listed in the Notice of References Cited, provide no teaching that the finger positioning provided is based on the finger position of the stroke that comes before or after, and therefore, the above prior art fails to teach the sequential relationship between the strokes. Much of the above prior art also fails to teach the automation of the present invention, i.e. the automatic identification of stroke and stroke groups and the automatic calculation of hand and fingering information, but requires user settings, or inputs, to initiate the fingering identification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the Notice of References Cited provided by the Examiner.

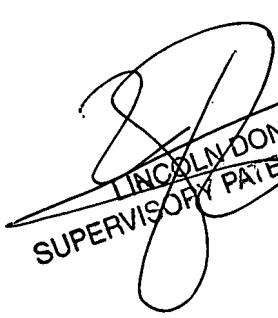
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 7-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR
4/23/2007


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